REMARKS

Claims 1-20 are all of the claims presently pending in the application. Claims 1-4 have been merely editorially amended and have not been substantively amended to more particularly describe the claimed invention. New claims 5-20 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. Further Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Arisaka (U.S. Patent No. 6,511,273). Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arisaka in view of Japanese Patent Publication No. JP 2002-106519 (hereinafter "JP '519").

These rejections are respectfully traversed by the following arguments.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a clip. The clip includes an insertion member, whose cross-sectional shape is formed in a T-shape, having a head portion and a shaft portion connected downwardly from the head portion, a latch member, which is in a V-shape, disposed on an outer side of the shaft portion, and a

hinge member connecting the shaft portion and the latch member. As the head portion is pressed, the shaft portion presses both side leg portions of the latch member outwardly of the latch member to expand in diameter, and retaining pawls provided projectingly on side leg portions of the latch member are engaged with retaining stepped portions formed in a bulged manner on a lower portion of the shaft portion to hold a state in which the latch member expands in diameter. A pair of split flanges, which are mated in a shape of a flange by surrounding the shaft portion when the side leg portions are closed, are provided to be continued from upper end portions of the side leg portions of the latch member. One side of an abutting surface of the pair of split flanges protrudes to form an L-shape in a plan view and abuts against a corresponding side portion of the shaft portion. A retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, is formed on the side leg portions. As the retaining protruding piece is engaged with the shaft portion, the split flanges are mated to form a flange surrounding the shaft portion so as to hold the shaft portion.

In conventional clips, if the clip is delivered as a product in a state that both legs of the latch are open, a user has to close the legs and insert the clip into an attaching hole of a panel while maintaining the closed state. This provides for a complicated operation. It is conceivable to deliver the clip in a temporary closed state. However, if the latch member is twisted through the flange portions, the temporary engagement is easily canceled, so that the retained state cannot be appropriately maintained.

The claimed invention of exemplary claim 1, on the other hand, provides a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed

on the side leg portions (e.g., see Application at page 4, line 14 through page 5, line 18; paragraph [0009]). This combination of features is important for providing a clip in which the side leg portions can be reliably held in a closed state (see Application at page 6, lines 6-8).

II. THE PRIOR ART REFERENCES

A. The Arisaka Reference

The Examiner alleges that Arisaka teaches the claimed invention of claims 1 and 3. Applicant submits, however, that Arisaka does not teach or suggest each and every feature of the claimed invention.

That is, Arisaka does not teach or suggest "*a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, is formed on the side leg portions*" as recited in claim 1.

The Examiner attempts to rely on Figures 3-33 of Arisaka to support his allegation. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does Arisaka teach or suggest a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg portions. Indeed, Arikasa merely teaches that a top portion of the side walls of the latch abut against the side surface of the shaft.

The Examiner specifically relies on member 17 of Arikasa as teaching the retaining protruding piece of the claimed invention, of exemplary claim 1. However, Applicant

submits that the Examiner has clearly mischaracterized this feature of the claimed invention.

As is clearly depicted in Figure 3 of Arikasa, the latch member (20) includes half barrels (17) that face each other and fit around the outer surface of the shaft (14) (see Arikasa at column 4, lines 59-61). As is more clearly depicted in Figure 37 of Arikasa, the half barrels (17) are merely semicircular shaped surfaces on the latch member which are fitted around the shaft (14).

In contrast, the claimed invention of exemplary claim 1 (as depicted in Figures 2-4) provides a retaining protruding piece (320), which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg portions. According to this exemplary aspect of the claimed invention, the retaining protruding pieces engage with corresponding sides of the shaft portion so that the split flange abuts against the shaft portion. Accordingly, the shaft portion is tucked in by the retaining protruding piece so that the retaining protruding piece is difficult to disengage with the shaft portion. Thus, the side leg portions can be reliably held in the closed state (see Application at page 5, line 20 through page 6, line 18; paragraph [0010]). This feature is not taught or suggested by Arisaka.

Indeed, the half barrels (17) merely fit the latch against the shaft by matching the overall shape of the shaft. The half barrels (17), however, do not provide any means for retaining the split flange against the shaft.

Applicant further submits that, even with the broadest possible interpretation of the half barrels (17) of Arikasa and the claim language of exemplary claim 1, it is clearly unreasonable to allege that the semicircular cutout regions (17) of Arikasa teach or suggest a retaining protruding piece, which extends from a side portion of the legs of the latch.

Therefore, Applicant submits that Arisaka does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

B. The JP '519 Reference

The Examiner alleges that Arisaka would have been combined with JP '519 to teach the claimed invention of claims 2 and 4. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Applicant submits that neither Arisaka nor JP '519, nor any combination thereof, teaches or suggests that "*a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, is formed on the side leg portions*" as recited in claim 1.

The Examiner attempts to rely on Figures 1-9 of JP '519 to support his allegation. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does JP '519 teach or suggest a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg portions. Indeed, the Examiner does not even allege that JP '519 teaches or suggests this feature. That is, the Examiner merely relies upon JP '519 as teaching a flange portion having stepped portions that are superimposed on top of each other at abutting surfaces of the split flanges.

Furthermore, as discussed in the Application, JP '519 if the clip is delivered as a product in a state that both legs of the latch are open, a user has to close the legs and insert the clip into an attaching hole of a panel while maintaining the closed state. This provides for a complicated operation. It is conceivable to deliver the clip in a temporary closed state. However, if the latch member is twisted through the flange portions, the temporary engagement is easily canceled, so that the retained state cannot be appropriately maintained (see Application at page 3, line 12 through page 4, line 5; paragraphs [0006] and [0007]). This problem of JP '519 is prevented by the retaining protruding piece of the claimed invention of exemplary claim 1.

Thus, JP '519 fails to make up the deficiencies of Arisaka.

Therefore, Applicant submits that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 5-20 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicant submits that new claims 5-20 are patentable over any combination of the applied references at least for analogous reasons to those set forth above with respect to claims 1-4.

IV. FORMAL MATTERS AND CONCLUSION

Regarding the Examiner's objections to the claims, Applicant respectfully submits that claims 2 and 4 have been amended to address each of the Examiner's objections. Specifically, claim 2 has been amended to recite "second stepped portions" and "second abutting surfaces" as recommended by the Examiner.

In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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